

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

TOMMY L. FENLEY, individually and on behalf of all persons similarly situated, :
: *ELECTRONICALLY FILED*
Plaintiff, :
: **CA No.: 2:15-cv-00259-MRH**
v. :
: **APPLIED CONSULTANTS, INC.,** :
: **Defendant** :
:

**PLAINTIFF'S UNOPPOSED MOTION FOR
FINAL APPROVAL OF THE SETTLEMENT AGREEMENT**

Plaintiff Tommy L. Fenley (“Plaintiff” or “Fenley”), respectfully moves this Court for an

Order:

1. Granting final approval of the parties’ Settlement Agreement, submitted to the Court at Dkt. No. 43-1;
2. Certifying the FLSA claims pursuant to 29 U.S.C. § 216(b) and the following Settlement Class pursuant to FED. R. CIV. P. 23:

All employees who have worked for Applied Consultants, Inc. in a job paid on a daily rate basis in any workweeks between February 25, 2012 and February 29, 2016, except for individuals who held only jobs with titles of “Project Manager” or containing the word “Chief,” “Administrative” or “Office.”

3. Finally approving Plaintiff Tommy L. Fenley as the Representative of the Settlement Class, and approving the \$10,000 service award to Plaintiff Tommy L. Fenley, and \$5,000 service awards to Opt-in Plaintiffs Jeff Fenley and Wayne Applegate, for their service to the Settlement Class and in exchange for their additional released claims in favor of Defendant;

4. Finally approving Berger & Montague, P.C. as Class Counsel for the Settlement Class;

5. Approving Plaintiff's request for attorneys' costs in the amount of \$20,072.46, and attorneys' fees in the amount of up to one third of the Gross Settlement Fund, based in proportion to the number of checks cashed, as set forth in further detail in Plaintiff's Unopposed Motion for Approval of Attorney's Fees and Costs, Dkt. No. 55;

6. Finally approving Angeion Group as the Settlement Administrator and finally approving the costs of settlement administration not to exceed \$40,000; and

7. Dismissing this class and collective action with prejudice.

This Motion is based on the accompanying Memorandum of Law, and the Declarations of Shanon J. Carson, Troy Walitsky, of Angeion Group, and Brian Mead.

A proposed Order is submitted for the Court's consideration.

Dated: June 6, 2016

Respectfully submitted,

BERGER & MONTAGUE, P.C

/s/ Shanon J. Carson
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Attorneys for Plaintiff

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was served upon all counsel through the Court's ECF system this 9th day of June, 2016.

/s/ Shanon J. Carson
Shanon J. Carson